

REMARKS

Claim 1 has been amended and a new claim 8 reciting a ceramic fiber diameter has been added; see the specification at page 9, lines 21 to 23 for support for the new claim. The claims before the Examiner for consideration are claims 1 to 6 and 8; claim 7 stands withdrawn directed to an invention non-elected following the oral restriction requirement; see the confirmation paper filed April 23, 2004.

Revised Figs. 4 and 5 are submitted bearing the legend "prior art" and the specification has been amended at the portions objected to by the Examiner.

The Examiner is thanked for acknowledging that papers have been received from the International Bureau regarding applicants' claim for priority.

Claim 1 has been amended to make it clear that the ceramic honeycomb structure in the claimed canning structure is one not loaded with a catalyst (the change was made to make it absolutely clear what was indicated in the specification and drawings and the claims as filed); the claim has also been revised to specify that the metal case in the canning structure is one having two opposing fully open ends, a feature clearly

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supported in the drawings and related disclosure; see Figs. 1 and 2 and page 12, line 14 to page 13, line 10.

The rejection of claims 1 and 4 under 35 USC 102 as anticipated by Close et al. '865, if applied to the claims as amended, is respectfully traversed.

The claimed invention is directed to a canning structure that helps protect the ceramic honeycomb structure therein against damage and is an intermediate or subcombination of a final product such as shown in instant Fig. 4 and made according to non-elected claim 7. The present invention relates to a structure that is packaged and transported to a catalyst manufacture, who applies a catalyst to the ceramic honeycomb structure in the canning structure.

Close et al. '865 shows a product distinctly and patentably different from that claimed here. The Close et al. '865 support has closed ends and the support contains catalyst before assembly in the container; see, e.g., the discussion at column 3, lines 50 and 51 and column 5, lines 36 to 38. The reference does not teach or suggest what is claimed here.

The rejection of claims 1 and 6 under 35 USC 102 as anticipated by Merry '397 is respectfully traversed. Merry '397, as Close et al. '865, describes the manufacture of a

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closed container that has catalyst already added to the support structure; see Figs. 1 and 2 and the related discussion. The reference does not teach the subject matter claimed here.

The rejection of claims 1 to 3 and 6 under 35 USC 102 as anticipated by Langer et al. WO '144, if applied to the claims as amended, is also respectfully traversed. This reference, as the two references discussed above, shows a closed end arrangement containing a support with a catalyst already present on the honeycomb structure. See Figs. 1 and 2 of the reference. Indeed, Fig. 1 of Langer WO '144 is similar to Fig 1 of Merry '397, both inventions the property of Minnesota Mining and Manufacturing Company. Langer WO '144 therefore does not teach the invention claimed.

The rejection of claims 1 to 4 and 6 under 35 USC 102(e), as anticipated by copending application No. 09/604,660 is respectfully traversed. The undersigned has reviewed the most recent version of 35 USC 102(e) and finds no authorization for the rejection herein. The Examiner is informed that the undersigned reviewed this office's file of the copending application. There is no indication that the copending application was published. Clarification is requested.

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Applicants also point out that the instant application was filed May 31, 1999 while copending application Serial No. 09/604,660 was filed July 8, 1999, more than a month after the filing of the present application. The rejection therefore is not understood.

The rejection of claims 2 to 6 under 35 USC 103 as unpatentable over either Close et al. '865 or Merry '397 in view of Machida et al. '079 is respectfully traversed. The secondary reference is said to show the specific type of case holding material and cell wall thickness, claim features acknowledged by the Examiner not to be shown in the primary references. The secondary reference, however, does not overcome the shortcomings of those primary references discussed above and contains no rationale why the primary reference structures should be modified drastically. The rejection should be withdrawn as well.

The rejection of claims 4 and 5 under 35 USC 103 as unpatentable over Langer et al. WO '144 in view of Machida et al. '079 is also respectfully traversed. The primary reference limitations have been discussed in detail above and the secondary reference does not provide what is missing therefrom. The rejection should be withdrawn as well.

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The rejection of claims 4 and 5 provisionally under 35 USC 103 as obvious over copending application Serial No. 09/604,660 in view of Machida et al. '079 is respectfully traversed. As previously noted, the copending application was filed after the instant case; the rejection is improper for that reason alone and should be withdrawn.

The rejection of claims 1 and 6 provisionally under the judicially created doctrine of obviousness-type double patenting over claims 1 to 9 of copending application Serial No. 09/604,660 is respectfully traversed. Applicants respectfully submit that there are patentable differences between the claims of this case and the claims of the copending application. The claims of the applications do not read on one another; one claim set does not lead the artisan to the other claim set. Lastly, applicants respectfully traverse the provisional rejection of claims 2 to 5 under the judicially created doctrine of obviousness-type double patenting over claims 1 to 9 of copending application Serial No. 09/604,660 in view of Machida et al. '079. The arguments provided immediately above apply with equal force here.

The Examiner is thanked for citing references listed in Information Disclosure Statements.

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In view of the foregoing revisions and remarks, it is respectfully submitted that claims 1 to 6 and 8 are in condition for allowance and a USPTO paper to those ends is earnestly solicited.

If the only barrier to allowance is the presence of non-elected claim 7, the Examiner is authorized to cancel that claim for that express purpose. The Examiner is requested to telephone the undersigned if additional changes are required in the case prior to allowance.

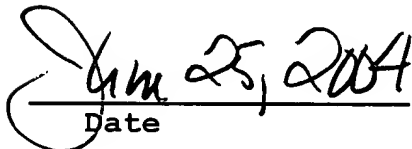
Respectfully submitted,

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Date

CAW/ch

Attorney Docket No.: WATK:204

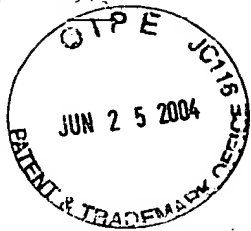
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FIG. 3

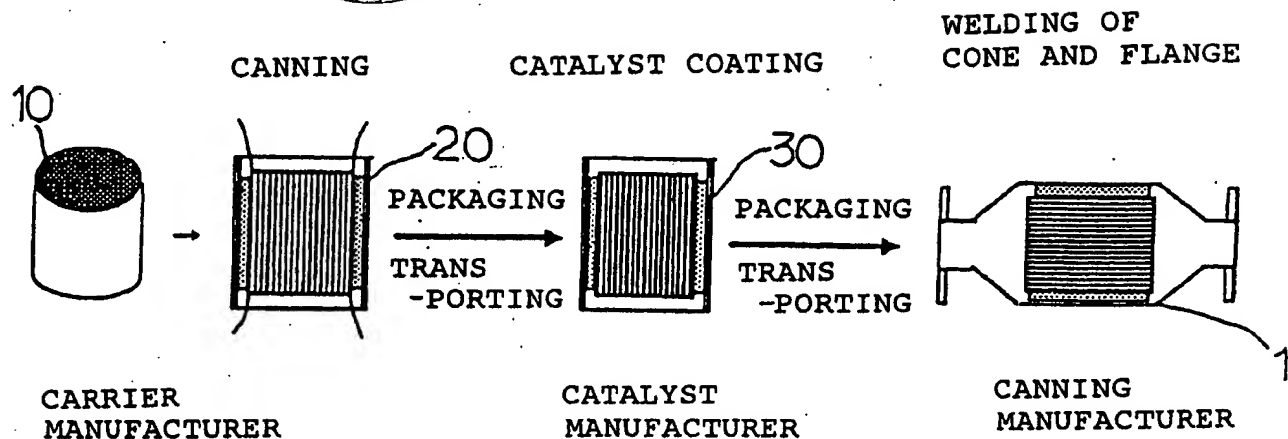


FIG. 5

PRIOR ART

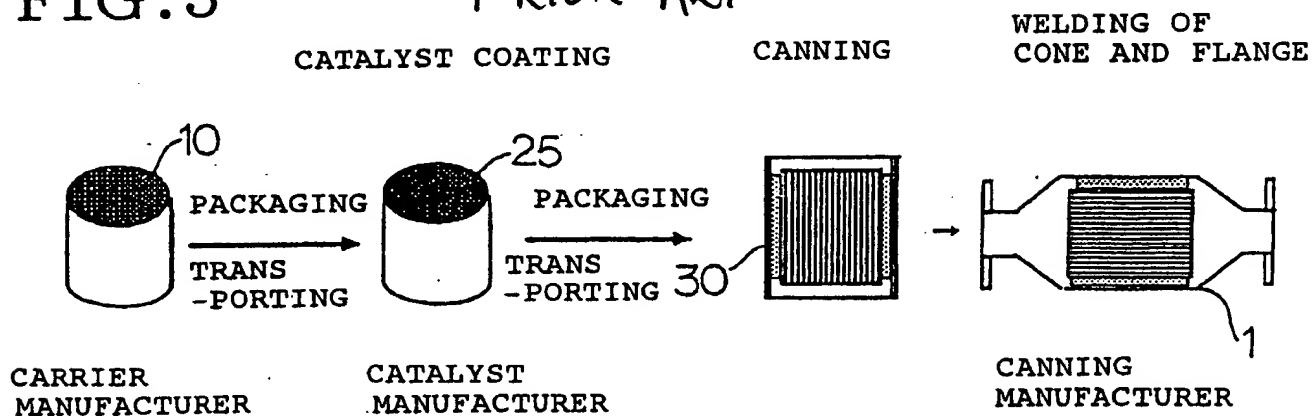
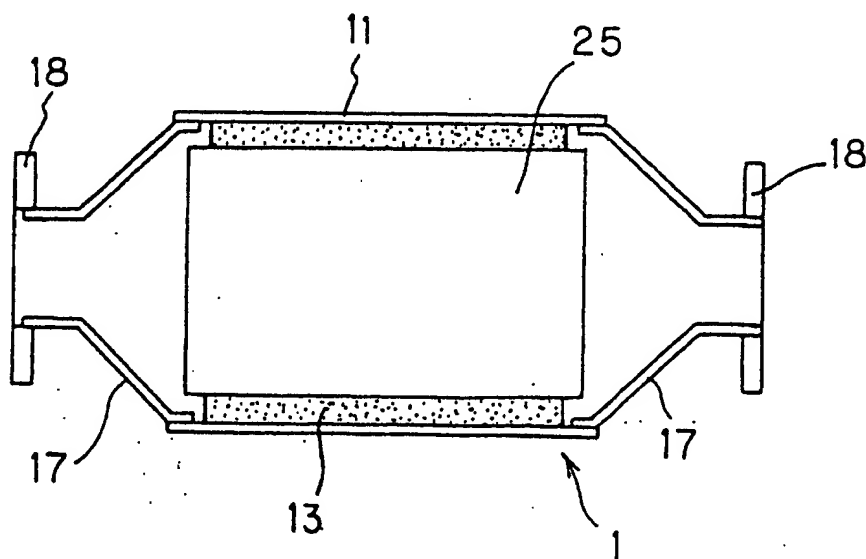


FIG. 4



PRIOR ART